



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF : Shodai et al.
FOR : **CHEWABLE SOFT CAPSULE HAVING
IMPROVED INGESTION PROPERTY AND
METHOD FOR PRODUCING THE SAME**
SERIAL NO. : 09/914,340
FILED : February 19, 2002
EXAMINER : Not Yet Assigned
ART UNIT : 1615
CONFIRMATION NO. : 3665
ATTORNEY DOCKET NO. : YAMZ 2 00009

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 C.F.R. §§ 1.56, 1.97, 1.98 and MPEP § 609, applicant(s) submit(s) the following Disclosure Statement concerning art of which the applicant(s) is (are) aware. A copy of PTO-1449 is enclosed herewith.

This Information Disclosure Statement is not intended to constitute an admission that any patent, publication or other information referred to herein or submitted herewith is "prior art" for this invention unless specifically designated as such.

In accordance with the United States Patent and Trademark Office OG Notice dated 05 August 2003, waiving the requirement under 37 C.F.R. §1.98(a)(2)(i), for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003, Applicant(s) has not enclosed copies of the cited U.S. patents with this Disclosure.

In accordance with 37 C.F.R. §1.97(g) and (h), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 C.F.R. §1.56(b) exists.

Under § 1.98(a)(3), no concise explanation of relevance is required for information that is in the English language. Accordingly, the enclosed require(s) no further explanation (or no translation is available).

Consideration of the appropriate paragraph(s) indicated below is respectfully requested:

☐ **WITHIN THREE MONTHS OF FILING:** Under § 1.97(b)(1), this Information Disclosure Statement is being filed within three months of the filing date of the application. Although it is believed no fee is necessary, any deficiency in fees should be charged to Deposit Account No. 06-0308.

☒ **BEFORE FIRST OFFICE ACTION:** Under § 1.97(b)(3), this Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. Although it is believed no fee is necessary, any deficiency in fees should be charged to Deposit Account No. 06-0308.

☒ **INTERNATIONAL SEARCH REPORT:** Under § 1.97(e)(1), the undersigned certifies that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement. Although it is believed no fee is necessary, any deficiency in fees should be charged to Deposit Account No. 06-0308.

☐ **BEFORE FINAL ACTION/WITH FEE:** Under § 1.97(c)(2), this information shall be considered if filed before the mailing date of a final action if accompanied by a fee in the amount of \$180.00 as required by §1.17(p). Accordingly, the necessary fee accompanies this Information Disclosure Statement. Any overpayment or deficiency can be charged to Deposit Account No. 06-0308.

☐ **PRIORITY CLAIM:** The attached PTO 1449 Form includes all patents, publications, or other information previously cited by or submitted to the Office in one or more prior applications from which the present application claims priority. These one or more prior applications are identified in the papers accompanying the filing of this application. In accordance with § 609 MPEP, only copies of art not previously submitted are enclosed.

It is respectfully requested that the attached document(s) be considered and officially cited in examination of this application.

Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH & McKEE, LLP

January 21, 2004



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1100 Superior Avenue
Seventh Floor
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216/861-5582

CERTIFICATE OF MAILING

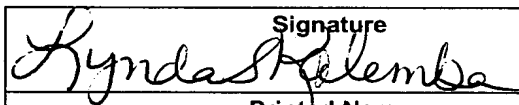
I certify that this Information Disclosure Statement and accompanying document(s) are being

☒ deposited with the United States Postal Service as First Class mail under 37 C.F.R. 1.8, addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

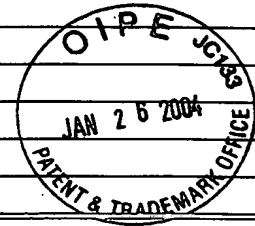
☐ transmitted to facsimile number under 37 C.F.R. 1.8 on the date indicated below.

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Date
January 21, 2004

Signature

Printed Name
Lynda S. Kalembe

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT(S) <i>(Use as many sheets as necessary)</i>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="2" style="text-align: center; padding: 2px;">COMPLETE IF KNOWN</th> </tr> <tr> <td style="width: 50%; padding: 2px;">Application Number</td> <td style="padding: 2px;">09.924,340</td> </tr> <tr> <td style="padding: 2px;">Filing Date</td> <td style="padding: 2px;">February 29, 2002</td> </tr> <tr> <td style="padding: 2px;">First Named Inventor</td> <td style="padding: 2px;">Shodai</td> </tr> <tr> <td style="padding: 2px;">Art Unit</td> <td style="padding: 2px;">1615</td> </tr> <tr> <td style="padding: 2px;">Examiner Name</td> <td style="padding: 2px;">Not Yet Assigned</td> </tr> <tr> <td style="padding: 2px;">Attorney Docket No.</td> <td style="padding: 2px;">YAMZ 2 00009</td> </tr> </table>	COMPLETE IF KNOWN		Application Number	09.924,340	Filing Date	February 29, 2002	First Named Inventor	Shodai	Art Unit	1615	Examiner Name	Not Yet Assigned	Attorney Docket No.	YAMZ 2 00009
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U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No.	Document No. Number-Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	AA	US-4,935,243	06-19-1990	Borkan et al.	
	AB	US-			
	AC	US-			
	AD	US-			
	AE	US-			
	AF	US-			
	AG	US-			
	AH	US-			
	AI	US-			
	AJ	US-			
	AK	US-			
	AL	US-			

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No.	Foreign Patent Document Country Code-Number Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T
	AM	EPO – 815,864	01-07-1998	Devlin et al.		
	AN	EPO – 815,855	01-07-1998	Hoy et al.		
	AO	EPO – 815,854	01-07-1998	Devlin et al.		
	AP	JP – 10-273436	10-13-1998	Sano et al.		
	AQ					

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume/issue number(s), publisher, city and/or country where published	T
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